

The opinion in support of the decision being entered today was not
written for publication is not binding precedent of the Board.

Paper No. 18

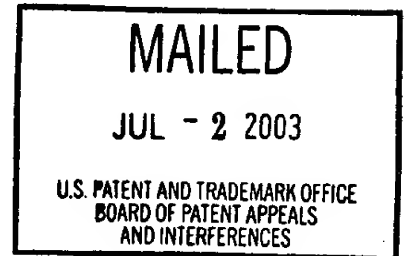
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DARYL MEREDITH, SCOTT PRICE
and WILLIAM STUMPF

Appeal No. 2003-0268
Application 09/698,920

ON BRIEF



Before HARKCOM, Vice Chief Administrative Patent Judge, FRANKFORT,
Administrative Patent Judge and STAAB, Administrative Patent Judge.

Per Curiam.

REMAND TO THE EXAMINER

The Office of the Group Director of Technology Center 3700 has requested that this application be remanded to the jurisdiction of the primary examiner so that the issues raised in this appeal can be reconsidered. Also, an Information Disclosure Statement (IDS) filed November 4, 2002 (Paper No. 17) has been recently matched up with the application. Accordingly, we *remand*, returning jurisdiction over this application to the examiner.

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If reconsideration by the examiner does not promptly result in the withdrawal of all pending rejections, the examiner must return this application to the jurisdiction of the Board so that the appeal may be restored to its existing place in the order in which appeals are decided. A new appeal number will not be assigned nor will a new appeal fee be required in the event that the examiner returns this application to the jurisdiction of the board following reconsideration. However, if the examiner reopens prosecution and makes new rejections, then a new appeal would be required. Furthermore, The IDS needs to be considered by the Examiner with respect to compliance with the criteria set forth in 37 CFR §§ 1.97 and 1.98. A communication notifying applicant of the Examiner's decision is required.

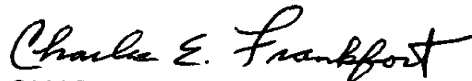
This application, by virtue of its "special" status, requires *immediate* action by the examiner. See MPEP § 708.01(d). The Board of Patent Appeals and Interferences *must* be informed promptly of any action affecting the appeal in this case, including reopening of prosecution, allowance and/or abandonment of the application.

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REMANDED



GARY V. HARKCOM, Vice Chief
Administrative Patent Judge



CHARLES E. FRANKFORT
Administrative Patent Judge



LAWRENCE J. STAAB
Administrative Patent Judge

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